

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4277 of 2016

Arising Out of PS.Case No. -268 Year- 2013 Thana -THAKURGANJ District- KISANGANJ

MD. SHANNY @ MD. SUNNY @ SUNNY S/o Late Hamizuddin @
Nizamuddin resident of Belbuldangi, P.S.- Thakurganj, District-
Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. Anil Pd.Singh(App)

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 27-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is accused in connection with
Thakurganj P.S. Case No. 268 of 2013 registered under sections
363 and 366(A) of the I.P.C. pending in the Court of C.J.M.,
Kishanganj.

The accusation against the petitioner is of enticing
away of daughter of the informant for the purpose of marriage.

Submission is that in fact, the victim, daughter of the
informant, whose age has been assessed in the medical
examination in between 16 to 18 years, moved with the petitioner
according to her sweet will to perform the marriage, but the
present case has been lodged with ulterior motive by the father of

the victim and in his pressure. The victim also supported the prosecution case in her statement recorded under section 164 Cr. P.C.

On the other hand, learned counsel for the State opposed the prayer of the petitioner with contention that the victim in her statement under section 164 Cr. P.C. specifically stated that the petitioner has forcibly raped her.

Having considered the facts and circumstances of the case and nature of allegation, I am not inclined to allow the prayer of the petitioner for bail. Accordingly, prayer of the petitioner for bail is rejected.

(Rajendra Kumar Mishra, J)

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